



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,248	08/17/2000	Peter H. Wolf	WOLF-38176	6241

7590 05/06/2005

Scott W Kelley Esq
Kelly Bauersfeld Lowry & Kelley LLP
Suite 1650
6320 Canoga Avenue
Woodland Hills, CA 91367

EXAMINER

HAQ, NAEEM U

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,248

Applicant(s)

WOLF, PETER H.

Examiner

Naeem Haq

Art Unit

3625

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-12,14,15,17-20 and 51-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 6, 15, 54, and 65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Allowable Subject Matter***

Claims 6, 15, 54, 65 and all dependencies of these claims are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 as set forth in this Office action and to include all of the limitations of the base claim and all intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 6 and 65 recite the step of triggering a camera to take a photograph when a component worn by a participant passes a predetermined point. Claims 15 and 54 use a formula to define an "approximate" time. The cited prior art does not teach these limitations.

Priority

Applicant's claim to priority to provisional application 60/163,879 is hereby acknowledged. However, limitations in the current non-provisional application which lack proper written description support in the provisional application are as follows:

Referring to claims 1, 51, 59, and 64, these claims recite the limitation "...substantially the entire body..." This limitation is not disclosed in the provisional application.

Referring to claims 15 and 54, these claims recite the formula $T_p = (L_p/L_c)(T_f)$. This limitation is not disclosed in the provisional application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3, 6-12, 14, 15, 17-20, 51-75 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 51, 59, and 64 recite the limitation "...substantially the entire body....". This limitation lacks written description in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 6-12, 14, 15, 17-20, 51-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 51, 59, and 64 recite the limitation "...substantially the entire body....". The Applicant has argued that Imhof (Figure 3) and Sigel (Figure 3) disclose photographing only portions of the body and not "substantially the entire body". Based on this argument, it is unclear to the Examiner what the limitation "substantially the entire body" means. Claims 14 and 53 recite the limitation "approximate time". The term "approximate" is a relative term which renders

Art Unit: 3625

the claim indefinite. The term "approximate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 14, 17-20, 51-53, and 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imhof (US 5,103,433) in view of Narayanaswami et al. (US 6,504,571 B1) hereinafter referred to as Narayanaswami and further in view of Berlin et al. (US 5,915,093) hereinafter referred to as Berlin.

Referring to claims 1 and 51, Imhof teaches a process providing event photographs of a sporting event for inspection and selection via a computer, comprising the steps of:

- taking photographs of substantially the entire body of at least one participant of a sporting event along at least one point of a course or field thereof (column 1, lines 7-25; column 2, line 64 – column 3, line 40; column 8, line 33 – column 9, line 28; Figure 3);
- associating identifying data with each photograph taken wherein the identifying data is a time the photograph was taken (Abstract; column 1, lines 36-41; column 9, lines 29-38; Figure 3);

- displaying the photograph of the sporting event participant for inspection

(Figure 1, item "11"; column 8, line 59 – column 9, line 4).

Imhof does not teach that the identifying data includes a date, hour, and minute the photograph was taken, informing the sporting participants of the identifying data, transferring the photographs to a computer network server, cataloging each of the photographs in a website server according to the identifying data, accessing the server at a location other than the sporting event and searching for a photograph of a particular sporting event participant utilizing the identifying data. However, Imhof teaches that his invention includes a computer connected between the camera and the printer to process the images received from the camera (column 13, lines 18-30). Therefore, Imhof's invention converts the pictures received from the camera into digital format otherwise the computer would not be able to perform the processing disclosed in Imhof's specification. Narayanaswami teaches a method for querying (i.e. searching) digital images stored in a database. Specifically, Narayanaswami teaches accessing a remote sever and searching for a photograph utilizing the identifying data such as the date and time including hour and minute the photograph was taken (Abstract; column 1, lines 16-26; column 2, lines 7-19; column 3, lines 56-65; column 5, lines 55-60; column 7, lines 17-45; column 10, lines 48-61). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Narayanaswami into the method of Imhof. One of ordinary skill in the art would have been motivated to do so in order to perform an efficient search and retrieval of digital images stored in remote servers as taught by Narayanaswami (column 2, lines 15-19).

Art Unit: 3625

The Examiner notes that both Imhof and Narayanaswami are directed to the field of capturing images from a camera and using a computer to record various types of data onto the digital images. Narayanaswami goes on to discuss archiving the images in a database for querying at a later time. Therefore, Imhof and Narayanaswami are analogous art and it is well within the level of one of ordinary skill in the art to incorporate the database and other teachings of Narayanaswami into the invention of Imhof. The Examiner also notes that one of the most important features of any computer system is the ability to store, retrieve, and process data. Since Imhof does not address the issue of storage and retrieval, one of ordinary skill in the art would look to Narayanaswami for a possible solution. Moreover, one of ordinary skill in the art would recognize that the combination of Imhof and Narayanaswami would have a reasonable chance for success since the incorporation of Narayanaswami's teachings into Imhof's invention would not alter the technical characteristics of either invention in such a way as to render either one inoperative. Imhof and Narayanaswami do not explicitly teach informing the sporting participants of the identifying data. However, the Examiner notes that in most sporting events such as marathons, participants take great pride in remembering their finish time. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to inform the participant of Imhof's sporting event of the official finish time. One of ordinary skill in the art would have been motivated to do so in order to allow the participant to record his or her finish time. Furthermore, Narayanaswami repeatedly teaches allowing a user to search a database for an image using date and time including hour and minute the photograph

Art Unit: 3625

was taken. Hence, the user must have had possession of this information prior to the time of searching. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this teaching into the method of Imhof. One of ordinary skill in the art would have been motivated to do so in order to allow a user to perform a search of a digital image using the date and time as taught by Narayanaswami. Imhof does not teach transferring the photographs to a computer network server. However, Narayanaswami teaches that the images obtained from the image capturing device (Figure 1, item "100") can be transferred to a database via modem (column 8, lines 40-47). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this teaching into the method of Imhof. One of ordinary skill in the art would have been motivated to do so in order to archive the image for query as taught by Narayanaswami. Imhof does not teach cataloging each of the photographs in a website server according to the identifying data. However, Narayanaswami teaches indexing (i.e. cataloging) the images in a database according to date and time (Abstract). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Narayanaswami into the method of Imhof. One of ordinary skill in the art would have been motivated to do so in order to perform an efficient search and retrieval of digital images stored in remote servers as taught by Narayanaswami (column 2, lines 15-19). Imhof does not teach accessing the server at a location other than the sporting event. However, Narayanaswami teaches that functional aspects such as querying the database of his invention may be conducted via

Art Unit: 3625

modem to remote servers (column 10, lines 48-61). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the remote functionality of Narayanaswami into the method of Imhof. One of ordinary skill in the art would have been motivated to do so in order to overcome storage limitations as suggested by Narayanaswami. Finally, Imhof and Narayanaswami do not teach a website sever or ordering the images. However, Berlin teaches these limitations (column 3, lines 40-52). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to exploit the World Wide Web for commercial purposes, as suggested by Berlin.

Referring to claims 3, 52, Imhof and Narayanaswami do not explicitly teach the step of posting the identifying data associated with each photograph. However, Narayanaswami repeatedly teaches allowing a user to search a database for an image using a date and time the picture was taken. Hence, the user must have had possession of this information prior to the time of searching. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to post the identifying data associated with each photograph in the method of Imhof and Narayanaswami. One of ordinary skill in the art would have been motivated to do so in order to allow a user to perform a search of a digital image using the date and time as taught by Narayanaswami.

Art Unit: 3625

Referring to claims 14 and 53, Narayanaswami teaches searching for a photograph based on date and time (Abstract). Although Narayanaswami does not explicitly disclose searching based on an approximate time, it would have been obvious to do so. Narayanaswami places no restriction on the date and time used for searching the database. Furthermore, one of ordinary skill in the art would have been motivated to use an approximate time in order to avoid having to remember the exact second of the particular event.

Referring to claims 17 and 55, Imhof does not teach the step of providing a digital camera electronically connected to a computer or downloading the photographs from the event to the server. However, Imhof teaches that his invention includes a computer connected between the camera and the printer to process the images received from the camera (column 13, lines 18-30). Therefore, Imhof's invention converts the pictures received from the camera into digital format otherwise the computer would not be able to perform the processing disclosed in Imhof's specification. Narayanaswami teaches a digital camera connected to a computer (Figure 1, items "128" and "104"), and server for immediate download of photographs to the server (column 8, lines 40-47; column 10, lines 48-61). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Narayanaswami into the method of Imhof. One of ordinary skill in the art would have been motivated to do so in order to archive the images for query as taught by Narayanaswami.

Referring to claims 18-20 and 56-58, the cited prior art does not teach fulfilling an order for a photograph via mail or electronic transfer. However, Berlin teaches that it is

Art Unit: 3625

old and well known in the art to fulfill a customer's order via mail or electronic transfer (column 3, lines 40-52). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to use well-known delivery channels for commercial purposes.

Claims 1, 3, 17-20, 59-64, and 67-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigel et al. (US 6,545,705 B1) in view of Narayanaswami et al. (US 6,504,571 B1) hereinafter referred to as Narayanaswami and further in view of Berlin et al. (US 5,915,093) hereinafter referred to as Berlin.

Referring to claims 1, 3, 17, 59, 60, 64, 67, 68, and 72, Sigel teaches a process providing event photographs of a sporting event for inspection, selection, and distribution via computer network, comprising the steps of:

- taking photographs of substantially the entire body of at least one participant of a sporting event along at least one point of a course or field thereof (Abstract, lines 2-8; Figure 1, items "12" and "12a"; Figure 3);
- associating identifying data with each photograph taken, wherein the identifying data is a code acquired from a component worn by the participant or a number corresponding to a number worn by the participant (Abstract, lines 21-29; column 2, lines 58-67; column 12, lines 24-35);
- transferring the photographs to a computer network server (column 6, lines 13-16; column 7, lines 6-34; Figure 1, item "10");

Art Unit: 3625

- cataloging each of the photographs in a server according to the identifying data (column 7, lines 6-10);
- accessing the server and searching for a photograph of a particular sporting event participant utilizing the identifying data (column 7, lines 6-10);
- displaying the photograph of the sporting event participant for inspection (Figure 7, lines 13-19).

Sigel does not explicitly disclose informing the sporting participants of the identifying data. However, this limitation is inherent in the process of Sigel. Sigel teaches that each contestant has a number on his or her jersey (Abstract, lines 21-29; column 12, lines 50-54). Therefore each contestant is informed of the identifying data because each contestant is aware of the number on his or her jersey. Sigel does not explicitly disclose that the sever is accessed via a remote terminal (i.e. at a location other than the sporting event). However, Narayanaswami teaches accessing a server via a remote terminal and searching for a photograph utilizing identifying data (Abstract; column 1, lines 16-26; column 3, lines 56-65; column 7, lines 17-45; column 10, lines 48-61).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the remote functionality of Narayanaswami into the method of Sigel. One of ordinary skill in the art would have been motivated to do so in order to overcome storage limitations as suggested by Narayanaswami. Finally, Sigel and Narayanaswami do not teach a website sever or ordering the images. However, Berlin teaches these limitations (column 3, lines 40-52). Therefore it would have been

Art Unit: 3625

obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to exploit the World Wide Web for commercial purposes, as suggested by Berlin.

Referring to claims 18-20, 61-63, and 73-75, the cited prior art does not teach fulfilling an order for a photograph via mail or electronic transfer. However, Berlin teaches that it is old and well known in the art to fulfill a customer's order via mail or electronic transfer (column 3, lines 40-52). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to use well-known delivery channels for commercial purposes.

Referring to claims 69-71, the cited prior art does not teach that the component includes an inductive circuit, or an active component that includes an electronic device having a transmitter. However, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate these features into the invention of Sigel and Narayanaswami. Applicant has not disclosed that devices provide an advantage, is used for a particular purpose or solves a stated problem. Furthermore, one of ordinary skill in the art would have expected Applicant's invention to perform equally well with devices used by Sigel because they also uniquely identify participants in a sporting event. Therefore, it would have been obvious to one of ordinary skill in this art to modify Sigel to obtain the invention as specified in the claims.

Response to Arguments

Applicant's arguments with respect to priority and 112 rejection of the limitation "...substantially the entire body..." have been fully considered but they are not persuasive. The Applicant has argued that it is well known in the art of event photography to photograph the entire body or substantially the entire body, and that the term "event photography" by definition suggests the entire body is photographed (see amendment page 10, "PRIORITY"). The Applicant has also argued that the title of the application provides sufficient written description support for the limitation "...substantially the entire body..." (see amendment page 11, "CLAIM REJECTIONS"), and that the prior art of record fails to satisfy this limitation. The Examiner respectfully disagrees. As an initial matter, the Examiner would like to point out that the Applicant's arguments are inconsistent because Imhof and Sigel are directed to the field of "event photography". Imhof discloses an invention that takes pictures of participants in a race as they cross the finish line (Abstract; column 3, lines 23-26; column 5, lines 35-46; column 8, lines 33-49). Sigel discloses an "event camera" that images the finish line or intermediate location of a race to determine the crossing times of the contestants (Abstract; column 1, lines 6-16; column 8, lines 7-19). Therefore it is inconsistent for the Applicant to argue that it is well known in the art of event photography to photograph substantially the entire body and also argue that Imhof and Sigel photograph only portions of the body. Imhof (Figure 3) and Sigel (Figure 3) clearly show more than a portion of the body as alleged by the Applicant. Furthermore, the title of the Applicant's invention is insufficient to satisfy written description requirement for the limitation

"...substantially the entire body...". Both Imhof and Sigel also disclose a similar invention.

Applicant's arguments with respect to the combination of Imhof and Narayanaswami have been fully considered but they are not persuasive. The Applicant has argued that Imhof is directed to photo-finish invention, uses a video camera rather than a still camera, and uses a relative time rather than an absolute time. As stated above, Imhof discloses an invention that takes pictures of participants in a race as they cross the finish line (Abstract; column 3, lines 23-26; column 5, lines 35-46; column 8, lines 33-49). Therefore, one of ordinary skill in the art would realize that Imhof's invention is a "sport event photography" invention. In response to the Applicant's argument that the references fail to show certain features of the Applicant's invention, it is noted that the features upon which Applicant relies (i.e., "still camera" and "absolute time") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Applicant has also argued that the microprocessor between Imhof's camera and printer does not suggest or imply to one of ordinary skill in the art that the image is digitized. The Examiner respectfully disagrees. Imhof clearly states that the microprocessor electronically applies to the prints a corresponding scale overlying the image of the participant crossing the finish line (column 13, lines 26-30). The Examiner notes that the image must be digitized in order for the microprocessor to perform such an electronic manipulation of the image. The Applicant has also argued that there is no

Art Unit: 3625

motivation to combine Imhof with Narayanaswami. The Examiner respectfully disagrees. Imhof discloses an invention for sporting event photography wherein a computer electronically manipulates a digital image for processing. Furthermore, as already noted above in the art rejection, both Imhof and Narayanaswami are directed to the field of capturing images from a camera and using a computer to record various types of data onto the digital images. Narayanaswami goes on to discuss archiving the images in a database for querying at a later time. Therefore, Imhof and Narayanaswami are analogous art and it is well within the level of one of ordinary skill in the art to incorporate the database and other teachings of Narayanaswami into the invention of Imhof. The Examiner also notes that one of the most important features of any computer system is the ability to store, retrieve, and process data. Since Imhof does not address the issue of storage and retrieval, one of ordinary skill in the art would look to Narayanaswami for a possible solution. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Applicant has also challenged the Examiner's Official Notice regarding placing an order through a web-site and fulfilling the customer's order via electronic transfer as recited in claims 1, 18, and 20. To support the Official Notice, the Examiner cites the following references:

US Patent 6,657,702 B1 to Chui et al.;

US Patent 6,718,123 B1 to Massarsky;

Art Unit: 3625

US Patent 5,915,093 Berlin et al.;

US Patent 6,324,521 to Shiota et al.;

US Patent 6,363,356 to Horstmann;

US Patent 6,560,339 to Iwamura;

US Patent 6,882,979 to Reay et al.;

US Patent 5,974,401 to Enomoto et al.;

US 2003/0023695 A1 to Kobata et al.;

US 2005/0002059 A1 to Fredlund et al.

For these reasons, the Examiner maintains the art rejection.

Applicant's arguments with respect to the combination of Sigel and Narayanaswami have been fully considered but they are not persuasive. The Applicant has argued that Sigel is non-analogous art. The Examiner respectfully disagrees. Sigel discloses an "event camera" that images the finish line or intermediate location of a race to determine the crossing times of the contestants (Abstract; column 1, lines 6-16; column 8, lines 7-19). Therefore Sigel teaches "event photography" of a sporting event. Furthermore, it is inconsistent for the Applicant to argue that it is well known in the art of event photography to photograph substantially the entire body and also argue that Sigel photographs only portions of the body. Sigel (Figure 3) clearly show more than a portion of the body as alleged by the Applicant. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

Art Unit: 3625

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

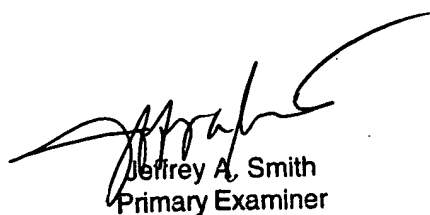
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571)-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naeem Haq, Patent Examiner
Art Unit 3625

April 30, 2005



Jeffrey A. Smith
Primary Examiner